

## REMARKS/ARGUMENTS

Claims 2-12 are pending hereon. Applicants respectfully submit that rewritten claim 2 defines and represents the elected invention as described hereinbelow.

Applicants respectfully submit that no new matter has been added.

Examiner Young is thanked for courtesies extended to Applicants' representative during a telephonic interview on March 8, 2007, the substance of which is incorporated hereinbelow.

Applicants hereby provisionally elect, with traverse, to prosecute the invention of the Group embodied by rewritten claim 2 submitted above. Applicants respectfully submit that claims 2-12 correspond to the elected invention.

In the invention defined in rewritten claim 2, the component E in the general formula (I) is  $-(CH_2)_2-$  or  $-SCH_2-$ , and the component A represents a 6-5 bicyclic heterocyclic group containing nitrogen in the 5-membered ring of the bicyclic heterocyclic group. The elected Group includes a combination of elements from Group II and Group XIII as identified by Examiner Young. Applicants respectfully submit, however, that the elected Group constitutes a single invention for at least the reasons explained below. In Group II, E is  $-(CH_2)_2-$ , and in Group XIII, E is  $-SCH_2-$ . Although there is a difference between carbon and sulfur, Applicants respectfully submit that the chemical compounds represented by  $-(CH_2)_2-$  and  $-SCH_2-$  each make 5-membered ring structures and have similar activities. Applicants respectfully submit that chemical compounds in which E represents  $-(CH_2)_2-$  or  $-SCH_2-$  exhibit substantially similar characteristics and in view of the above, Applicants respectfully submit that one skilled in the art would consider that the elected Group does, in fact, constitute a single invention.

In the event that Examiner Young should deem that the elected Group is not permitted, Applicants provisionally elect, with traverse, to prosecute the invention of Group II (claims 2-4 and 7-10). During the telephonic interview, Examiner Young indicated that this election of Group II would be considered responsive in the event that the elected Group is not permitted.

It is respectfully requested that Group II be expanded to encompass "A represents an *optionally substituted* 6-5 system bicyclic heterocyclic group containing nitrogen in the 5-membered ring of the bicyclic heterocyclic group." The use of the expression "optionally substituted" has been held to be proper, and denying such language in the present situation would effectively make it impossible to claim such subject matter. Accordingly, an acknowledgement that such subject matter is included in the elected subject matter is respectfully requested.

However, Applicants respectfully traverse the restriction requirement since the subject matter of claims 2-12 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and improper duplicative examination by the PTO.

If Examiner Young believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date



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